IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5142 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MAHARASTRA SHIKSHAN MANDAL

Versus

GOVT. OF GUJARAT

Appearance:

MR NC SHAH for Petitioner

MR RM DESAI for Respondent No. 1, 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 28/03/2000

ORAL JUDGEMENT

In view of the course that this Court propsoes to adopt, it is not necessary to set out all the facts in detail which have led to filing of this petition under Article 226 of the Constitution.

2. Suffice it to state that the petitioner runs a secondary school. It is a public trust established by and administrered by persons speaking Marathi and, therefore, considered to be a linguistic minority

institution. It is the case of the petitioner that the respondent authorities have conferred minority status on the petitioner-trust which runs three High Schools with Marathi medium at Ahmedabad. The petitioner management had to suspend one teacher who was the then principal of Maharashtra Shikshan Mandal High School, Bhadra, Ahmedabad with effect from 27.4.1993 because there were certain serious allegations of misconduct and misappropriation. The petitioner-trust also initiated department inquiry against the said principal. At the conclusion of the departmental inquiry, the petitioner trust has also terminated the services of the said principal whose application challenging the said termination has also been dismissed by the Gujarat Secondary Education Tribunal. The said decision of the Tribunal is under challenge before this Court, but while admitting that petition this Court declined to grant any interim relief in favour of the then principal.

3. The only question which arises for consideration in this petition is the grievance of the petitioner management that the petitioner-management has not been paid grant for reimbursing the amount of subsistence allowance/salary paid by the petitioner management to the said Principal S.S. Thakur for the period between 27.4.1993 and 14.2.1997.

4. In the facts and circumstances of the case, it is not necessary to entertain this petition at this stage only because the petitioner's representation dated 4.6.1997 (Annexure "E" to the petition) is still pending before the State Government in the Education Department. It would, therefore, be just and proper to dispose of this petition with a direction, to the State Government in the Education Department, and it is directed accordingly, to hear the petitioner school management and to decide the said representation as expeditiously as possible and in any case within three months from the date of receipt of a certified copy of this order. The petitioner shall furnish a copy of the said representation dated 4.6.1997 alongwith a certified copy of this order.

4. The petition is disposed of in terms of the aforesaid direction. Rule is discharged. There shall be no order as to costs.

Direct Service is permitted.

March 28, 2000 (M.S. Shah, J.)
sundar/-